

REMARKS

The Office Action has been carefully reviewed. Claims 1-11 are pending in this patent application. By this amendment, claims 1, 3, and 7 have been amended, claims 2, 4-6, and 8-11 have been canceled, and claims 12-18 have been added. Reconsideration of this application, as amended, is respectfully requested.

Drawing Objections

Claim 1 has been amended to recite structure of the stem, joint component, mounting element, and fastener only. Such structure is clearly shown in FIGS. 1-7.

Claim 8 has been canceled.

35 U.S.C. § 112 Rejection

Claims 8-9 were rejected under 35 U.S.C. § 112 as being indefinite. Such claims have been canceled.

First 35 U.S.C. § 102 Rejection

Claims 1-5 and 7 were rejected under 35 U.S.C. § 102 as being anticipated by Leonard et al. (U.S. Patent No. 6,228,120). Claims 1, 3, and 7 have been amended to more clearly define the invention, while claims 2, 4, and 5 have been canceled. Reconsideration of claims 1, 3, and 7, as amended, is respectfully requested.

Discussion Regarding Patentability of Amended Claim 1

Amended Claim 1

Claim 1, as amended, recites the following limitations:

wherein said spherical articulating portion of said mounting element contacts said linearly extending interior wall of said stem at a location interposed between said ledge surface and said proximal surface.

Leonard does not disclose this limitation. Significantly, as shown in Fig. 2 of Leonard, the convexly curved external wall 10a of item 10 contacts a complementary concavely curved inner wall of cavity 7. Thus, Leonard does not disclose the above-identified limitations as required by Applicants' amended claim 1.

It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since Leonard does not disclose each and every element of Applicants' amended claim 1, Leonard does not anticipate Applicants' amended claim 1.

Discussion Regarding Patentability of Claims 3 and 7

Each of claims 3 and 7 depends directly or indirectly from amended claim 1. As a result, each of claims 3 and 7 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 1.

Second 35 U.S.C. § 102 Rejection

Claims 1-3, 7, 10, and 11 were rejected under 35 U.S.C. § 102 as being anticipated by Glien et al. (DE 10123517C1). Claims 1, 3, and 7 have been amended to more clearly define the invention, while claims 2, 4, 5, 10 and 11 have been canceled. Reconsideration of claims 1, 3, and 7, as amended, is respectfully requested.

Discussion Regarding Patentability of Amended Claim 1

Amended Claim 1

As stated above, amended claim 1 recites the following limitations:

wherein said stem, when viewed in a cross-section, further includes a linearly extending interior wall that extends continuously from said ledge surface to said proximal surface, and

wherein said spherical articulating portion of said mounting element contacts said linearly extending interior wall of said stem at a location interposed between said ledge surface and said proximal surface.

Glien does not disclose these limitations. In particular, as clearly can be seen in its Figs. 4 and 5, Glien's stem, when viewed in a cross-section, does not include a linearly extending interior wall that extends continuously from a ledge surface to a proximal surface as required by Applicants' amended claim 1. Rather, such inner surface of Glien is configured with contours. Since Glien does not disclose each and every element of Applicants' amended claim 1, Glien does not anticipate Applicants' amended claim 1.

Discussion Regarding Patentability of Claims 3 and 7

Each of claims 3 and 7 depends directly or indirectly from amended claim

1. As a result, each of claims 3 and 7 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 1.

35 U.S.C. § 103 Rejection

Claims 8-11 were rejected under 35 U.S.C. § 103 as being unpatentable over Leonard et al. (U.S. Patent No. 6,228,120) in view of Horber (WO 02/39932). Claims 8-11 have been canceled.

Newly Added Claims 12-18

Claims 12-18 have been added. These claims recite novel and non-obvious limitations.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

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